

REMARKS

In the Office Action dated July 26, 2004, claims 1-33 were rejected.

Claims 1-33 are now pending in the application. In view of the remarks, Applicant respectfully requests reconsideration of the application.

Claims 1-33 are rejected under 35 U.S.C. 112 for failing to comply with the written description requirement. The Examiner states that the claims contain "wherein said data marks indicate a time and said data marks represent content that is broadcasted at said time" and is not described in the specification. The Examiner states that there is no support or suggestion in the specification for the input data marks containing information other than the time and date when the input means were operated or for the data marks to represent the broadcast content. Applicant respectfully disagrees.

Applicant submits that there is sufficient written description within the specification to support the claim limitation "wherein said data marks indicate a time and said data marks represent content that is broadcasted at said time".

The specification at page 5, lines 10-16 states, "First e-button 106 may be configured to operate in substantially the same manner as the e-button provided on a commercially available e-marker device **for marking broadcasts of music clips** from registered radio stations, while second e-button 107 may be configured to operate in substantially a similar manner... **for marking a music broadcast over a registered television channel.**" (emphasis added)

The e-buttons are configured to mark a content that is broadcast. For example, the specification at page 6 lines 12-16 states, "In operation, when a user wearing the integrated electronic music marker watch device 100 hears a radio or television broadcast of a music clip and wishes to mark that particular music clip so that the user may retrieve information related to that music clip at a

later point in time or purchase that music clip, the user operates first or second e-buttons 106, 107, respectively."

The data mark from the e-button indicates a time and date. For example, the specification at page 8, lines 23-31 states, "In this manner, in one embodiment, when the user operates first or second e-buttons 106, 107 to mark a music clip broadcast. As discussed above, the respective e-mark display panels 110... may be configured to display data information such as time and date information corresponding to the user's e-button operations."

The data mark from the e-button corresponds to a broadcast. For example, the specification on page 7, lines 20-22, "Emark display panel 110 may be configured to display the receive information corresponding to the particular music clip that the user e-marked." Further, the specification at page 6, lines 22-25 states, "In this manner, the user may continue to mark music clips that are broadcast over registered radio or television stations, and with user's each operation of first or second e-buttons 106, 107 respectively, to mark particular music clips, a corresponding e-maker display panel 110 is illuminated." Further, the specification at page 9, lines 23-27 states, "In one embodiment, when the user operates first or second e-buttons 106, 107 to bookmark a particular music clip during its broadcast from a registered radio or television station..."

In view of the above specific references to the specification, Applicant submits that the claims that contain "wherein said data marks indicate a time and said data marks represent content that is broadcasted at said time" are sufficiently described and supported in the specification.

In view of the foregoing remarks, Applicant respectfully submits that all pending claims are in condition for allowance. Such allowance is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard H. Butler at (408) 223-9763.

Respectfully submitted,

Dated: 10/25/04


Richard H. Butler
Registration No. 40,932

Please Send Correspondence to:
Valley Oak Law
5655 Silver Creek Valley Road
#106
San Jose, CA 95138
(408)223-9763